UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SHAFFER LANDFILL PRP GROUP,)	
)	
Plaintiff,)	Civil Action No. 1:14-cv-13590-IT
)	
v.)	
)	
TOWN OF BILLERICA, MASSACHUSETTS)	
)	
Defendant.)	

JUDGMENT

WHEREAS, the parties have stipulated that:

1.   Plaintiff is an unincorporated association of entities named as Potentially

Responsible Parties ("PRPs," together, the "PRP Group") in connection with contamination at

the Shaffer Landfill ("Landfill"), part of the Iron Horse Park Superfund Site, located in North

Billerica, Massachusetts ("Site"), by the United States Environmental Protection Agency

("EPA") pursuant to the Comprehensive Environmental Response, Compensation, and Liability

Act ("CERCLA"), and by the Massachusetts Department of Environmental Protection ("DEP")

pursuant to the Massachusetts Oil and Hazardous Material Release, Prevention and Response

Act ("21E").

2.   Defendant is the Town of Billerica, Massachusetts ("Town").

3.   The PRP Group has resolved its CERCLA and 21E liability to the United States

and the Commonwealth of Massachusetts with respect to the Landfill pursuant to a Consent

Decree (*United States of America and Commonwealth of Massachusetts v. Burton Shaffer, et al.,* Civil Action No. 95-10023MLW, 95-10027MLW, entered Apr. 14, 2001), under which it constructed and will maintain the remedy selected by EPA.

4.   The PRP Group made demand on the Town pursuant to CERCLA and 21E, alleging that the Town had, at various times, acted as an "owner" and "operator" of the Landfill and as a "generator" and "transporter" of hazardous substances and hazardous materials to the Landfill. The Town denied any such liability.

5.   The PRP Group and the Town have entered into a Stipulation relating to those claims, relevant provisions of which are included in this Amended Proposed Judgment.

THEREFOR:

The Court orders the Town to make payments to the PRP Group in accordance with the Stipulation, as follows:

1. In any municipal fiscal year (July 1 through June 30) ("Year") in which the Town receives from the developer of Solar Project, whether UGT Renewable Energy 7 LLC, or any of its successors and/or assigns: (i) a real property or personal property tax payment or payment in lieu of such tax on the Solar Project, and (ii) a tax payment or payment in lieu of tax on the real estate on which the Solar Project is constructed (together, referred to as the "UGT Payment"), Defendant shall make a payment of up to $60,000 to Plaintiff (the "Town Payment"), until the total of such payments reaches $1,500,000. Said Payments shall be made as follows:

   a. If in any Year the UGT Payment is $60,000 or more, the Town shall make a payment to the PRP Group in the sum of $60,000. If in any Year the UGT Payment

is less than $60,000, the Town shall make a payment to the PRP Group in the same amount as the UGT Payment.

b. The Town shall make payment to the PRP Group by delivering a check or wire transfer to the PRP Group's Treasurer, R. Thomas Dorsey, of de maximis inc., within 45 days after the Town receives the corresponding annual UGT Payment ("Town Due Date"). In the case of a tax payment made pursuant to Mass Gen. Laws ch. 60, §3, the Town Payment shall be due within 45 days after payment of the last installment payment due for each respective fiscal year.

c. The Town may elect, at its sole discretion, to pre-pay its payment obligations hereunder without penalty, whereupon notice of said intention to pre-pay shall be provided to the PRP Group.

2. In the event that the Town fails to make a payment in full when due, such payment shall accrue interest at an annual rate of 8% until payment in full, plus accrued interest, is remitted. Such interest shall begin to accrue on the first calendar day following the date the payment was due and shall continue to accrue through the date on which the obligation is paid in full. No notice shall be required in connection with the obligation to make payments, including interest.

IT IS SO ORDERED.

Date: December 5, 2014   /s/ Indira Talwani
                                                         United States District Judge